



Docket No.: 240394US90CONT

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COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/618,590

Applicants: Tomoko OHTSUKI, et al.

Filing Date: July 15, 2003

For: LIGHT SOURCE UNIT AND WAVELENGTH
STABILIZING CONTROL METHOD, EXPOSURE
APPARATUS AND EXPOSURE METHOD,
METHOD OF MAKING EXPOSURE APPARATUS,
AND DEVICE MANUFACTURING METHOD AND
DEVICE

Group Art Unit: 2851

Examiner: KIM, PETER B.

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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240394US-90 CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF : :

Tomoko OHTSUKI, et al. : GROUP ART UNIT: 2851

SERIAL NO. 10/618,590 : :

FILED: July 15, 2003 : EXAMINER: KIM, PETER B.

FOR: LIGHT SOURCE UNIT AND WAVELENGTH STABILIZING CONTROL METHOD, EXPOSURE APPARATUS AND EXPOSURE METHOD, METHOD OF MAKING EXPOSURE APPARATUS, AND DEVICE MANUFACTURING METHOD AND DEVICE

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Official Action mailed April 13, 2004, Applicants elect with traverse Group I, Claims 106-118, 122-132, 136-144, 148-182, and 184 for further examination on the merits in the present application, wherein Claims 106-118, 122-132, 136-144, 148-182 and 184 are drawn to light source.

Applicants first note that the page 1 of the outstanding Official Action refers to a Claim 406 whereas page 2 of the Official Action does not refer to Claim 406. Applicants do not have any record of a claim beyond Claim 232, and therefore submit the reference to Claim 406 on page 2 is a typographical error.

Regarding the inventions recited in independent Claims 185, 189, 191, 194, 196, and 200-208, Applicants note that these claims are directed to an exposure light source which includes a light source substantially similar to those recited in independent Claims 106, 127, 139, 151, 161, 174, and 179 of Group I. Thus, Applicants traverse the pending restriction requirement as Applicants believe examining Group I directed to a light source and at least the claims of Group II directed to an apparatus that includes a light source would not place an

Application No. 10/618,590
Reply to Restriction Requirement of April 13, 2004

undue burden on the Examiner. MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In view of the above-illustrated close similarities between the restricted claims and the ease of modern computer searching now available to the Examiner, the claims of the present invention would appear to be part of an overlapping search area, and it is respectfully submitted that there would be little, if any, extra effort, i.e., "no serious burden," to examine all the pending claims in the present application, even if "the application includes claims to distinct or independent inventions."¹

Therefore, examination on the merits of Claims 106-118, 122-132, 136-144, 148-182 and 184-232 is believed to be in order, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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¹ MPEP §803.